



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

COMMISSION CLERK

DATE: 4/20/11

TO: Division of Regulatory Analysis, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION

DOCKET NO(s): 110047-EQ DOCUMENT NO(s): 02667-11

DESCRIPTION: Progress (Burnett) - (CONFIDENTIAL) Certain information contained in response to staff's data request No. 2, specifically Attachment A.

SOURCE: Progress Energy Florida, Inc.

The above confidential material was filed along with a request for confidential classification. In accordance with Section 11.04.C.5.c.(4) of the APM, please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company to contract for services on favorable terms;
 - (e) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 - (f) Tax returns or tax-related information;
 - (g) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by [Signature] on 4/25/2011. I have provided one copy of the full recommendation to the Office of General Counsel and two copies to the Office of Commission Clerk for the docket file and processing of the confidential material.

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 25, 2011
TO: Martha Brown, Senior Attorney, Office of the General Counsel
FROM: Victor Ma, Engineering Specialist I, Division of Regulatory Analysis
RE: Confidential Document No. 02667-11, Docket 110047-EQ

Progress Energy Florida, Inc. (PEF) has requested that certain information relating to competitively negotiated contractual data, such as contract capacity payments and cost information, be kept confidential.

PEF requests confidentiality under Subsection 366.093(3), Florida Statutes (F.S.), which states:

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data; the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Staff has reviewed PEF's confidentiality request. In staff's opinion, the request does meet the criteria for confidentiality contained in Subsection 366.093(3)(d), F.S. and Subsection

366.093(3)(e), F.S. Therefore, staff recommends that the request for confidentiality of certain information included in Document No. 02667-11 be approved.